

Patent
Serial No. 10/014,258
Amendment in Reply to Office Action of February 22, 2006

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated February 22, 2006. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-29 are pending in the Application. Claims 1, 15 and 28 are independent claims.

Claims 1, 2, 4, 5, 7-16, 18, 19 and 21-27 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Publication No. 2002/0128999 to Fuisz ("Fuisz"). Claims 3 and 17 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Fuisz in view of U.S. Patent Publication No. 2003/0056219 to Reichardt ("Reichardt"). Claims 6, 20, 28 and 29 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Fuisz in view of Reichardt in further view of U.S. Patent Publication No. 2002/0104086 to Tomsen ("Tomsen").

These rejections are respectfully traversed.

Fuisz shows a system for marketing products shown in a video signal. In operation, a viewer may select an object shown in the video signal (see, page 2, paragraph [0025], lines 1-2). Objects are extracted from the television show and compared to known shapes

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of objects to determine a selected object (see, page 2, paragraph [0027], lines 1-7). This approach may lead to confusion about objects since it may be ver difficult to determine all objects provided based on shape etc.

The method of Claim 1 is not anticipated or made obvious by the teachings of Fuisz. For example, Fuisz does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "acquiring a video signal containing a video program; extracting from said video signal video enhanced content information representative of at least one product presented and marked on the video program; presenting to the user the video enhanced content information; receiving a selection of a marked product of interest; performing a search to identify data related to the selected product; and providing the identified data to a user of the video device" as required by Claim 1, and as substantially required by of Claim 15.

Based on the foregoing, the Applicants respectfully submit that independent Claims 1 and 15 are patentable over Fuisz and notice to this effect is earnestly solicited. Claims 2-14 and 16-27 respectively depend from one of Claims 1 and 15 and accordingly are allowable for at least this reason as well as for the

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separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

Reichardt is cited for showing allowing a user to purchase the selected product.

The method of Claim 28 is not anticipated or made obvious by the teachings of Fuisz in view of Reichardt. For example, Fuisz in view of Reichardt does disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis provided) "acquiring a video signal containing a video program; customizing preferences for at least one user; extracting from the video signal video enhanced content information representative of at least one product presented on the video program; filtering the video enhanced content information based on the preferences; presenting to the user the filtered video enhanced content information; receiving a selection of a product of interest; performing a search to identify a source of the selected product through at least one predetermined list of information sources for a particular category; negotiating with the identified product source by offering a price the user is willing to pay other than a price initially offered by the source regarding the selected

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product and outputting results of the negotiation; prioritizing the results of the search and the negotiations based on predetermined factors; allowing the user to authorize purchasing of the selected product; providing feedback information to the user; completing a purchase transaction for the selected product; and receiving and analyzing satisfaction response from the user" as required by Claim 28. Based on the foregoing, the Applicants respectfully submit that independent Claim 28 is patentable over Fuisz in view of Reichardt and notice to this effect is earnestly solicited. Claim 29 depends from Claim 28 and accordingly is allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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